

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

MAURICE KEELEY,	:	
	:	
Petitioner,	:	
	:	No. 3:09-CR-00025 (CAR)
v.	:	No. 3:13-CV-90157 (CAR)
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
_____	:	

ORDER ON RECOMMENDATION

Before the Court is the Recommendation of the United States Magistrate Judge [Doc. 61] to grant Petitioner Maurice Keeley's Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 [Doc. 54]. No objection was filed, and having considered the Recommendation, the Court agrees with the findings and conclusions of the United States Magistrate Judge. Therefore, the Recommendation of the United States Magistrate Judge [Doc. 61] is hereby **ADOPTED** and **MADE THE ORDER OF THE COURT**. Petitioner's wrongful classification and Eighth Amendment claims are procedurally defaulted and must be dismissed. However, Petitioner is entitled to be resentenced in accordance with Fair Sentencing Act of 2010 ("FSA") in light of the Supreme Court's recent decision in *Dorsey v. United States*, 132 S. Ct. 2321 (2012).

Accordingly, Petitioner's Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 [Doc. 54] is **GRANTED**, and Petitioner's existing sentence

is **VACATED**. The Probation Office is **HEREBY DIRECTED** to prepare a new Presentence Investigation Report ("PSI") in accordance with the FSA's revised guidelines. Upon receipt of the completed PSI, the Court will promptly set a hearing date for Petitioner to be **RESENTENCED** by this Court. The Court will appoint counsel to represent Petitioner in all future proceedings related to resentencing. Petitioner shall remain in the custody of the Federal Bureau of Prisons and/or the United States Marshals Service pending his resentencing hearing, when the Clerk of Court will writ the Petitioner back to the Middle District of Georgia.

SO ORDERED, this 16th day of May, 2013.

S/ C. Ashley Royal
C. ASHLEY ROYAL, CHIEF JUDGE
UNITED STATES DISTRICT COURT

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